

Local showers and thunderstorms Saturday and Sunday; cooler in north portion Sunday; moderate south winds, with squalls.

NEW ORLEANS IS THREATENED

Water Flowing Over the Levee and Sand Bags at the Foot of Esplanade Street.

RIVER RISES VERY RAPIDLY FOLLOWING HEAVY RAINS

FOR A SPACE OF TWO HOURS AFTER THE CLOUDBURST RIVER RISES EIGHT INCHES, AND THE RAIN CONTINUES TO POUR DOWN IN TORRENTS—ALL THE LOWER HALF OF LOUISIANA AFFECTED AND PEOPLE IN SOME SECTIONS ARE PANIC STRICKEN

By Associated Press.

New Orleans, May 10.—New Orleans tonight experienced the severest rain in her history. All the lower half of Louisiana was affected and thousands of people living behind the already terribly strained levees holding back the Mississippi's flood waters, were panicky. The wind was so high at many points along the river that it swept the waves of the swollen stream over the levees.

Five and a half inches of rain fell here from noon today to 10 tonight, and about four inches fell between 7 and 9 o'clock.

The Mississippi river here banked up by the high winds rose eight inches in two hours, between 8 and 10 o'clock tonight, forcing the water over the levees at several points. At 10 o'clock the river gauge at the head of Canal street registered 21.9 feet, one-tenth of a foot higher than the predicted maximum stage. At 11 o'clock the gauge showed a depth of one-tenth of a foot for the hour, but the rain continued to pour down in torrents at intervals.

The street lights and those in many business houses went out and the business district was in darkness for ten minutes. The wind reached a velocity of 30 miles an hour, and the water ran into stores on Canal, Camp and Poydras streets.

At 10:30 tonight the river at the foot of Esplanade street had risen seven inches, and the water was flowing into the street in a stream over the sand bags about the Southern Pacific ferry house. Men and material were rushed to work to stop the overflow.

The levees in the vicinity of New Orleans are holding well after the storm passed. City officials stated there is no danger of serious levee trouble here. The overflow at Esplanade street was checked. An unverified report to New Roads tonight was that the west levee went out tonight two miles north of Morganza. Telegraph and telephone communication to Morganza has been lost. Engineers here have received no report concerning a break in that section.

Dozens of messages poured into the offices of the United States army engineers reporting rumored breaks in the levees above here, but none were verified up to midnight. There is little hope expressed of saving the levee at Baton Rouge and at Morganza. At Scott's Landing, Donaldsonville and Plaquemine the situation is declared critical.

Thirty-five thousand sand bags were sent on a special train from here to Baton Rouge tonight and it is said the prospects of saving the front levee there is almost hopeless.

Guards have been placed along the entire river front here, and precautions taken to quickly close every spot where there is an overflow.

BATON ROUGE IS DOOMED TO BE INUNDATED

Baton Rouge, La., May 10.—With the wind attaining almost the proportions of a hurricane and driving the waters of the Mississippi river over the levees for a distance of two city blocks, washing away all the earth that had been piled against the sacks and running over in streams, Baton Rouge tonight had another period of excitement.

The rain fell in torrents while hundreds of men worked hard to repair the damage. The situation here tonight is more critical than ever. The levees have been weakened in several places by the elements and the good work done during the four days of sunshine has been undone. Many here

(Continued on Page Two.)

BATTLE IS RAGING ON DESERT PLAINS

Has Been in Progress for 36 Hours Between Rebels and Federals With No Decided Advantage.

By Associated Press.
Escalante, Mexico, May 10.—Sharp fighting occurred throughout the day between the main bodies of rebels and federals near Talahuillo with no decided advantage to either side. The fight has been in progress for 36 hours and indications are it will be several days before it is decided. The battlefield ranges over twenty miles of desert plains southeast from Coahuila to the front of Torreón.

Taft Gets no Delegates Where Primaries are Held Says Roosevelt

By Associated Press.

New York, May 10.—Nine states that have had presidential primaries, or their equivalent, will send 258 delegates to the Republican national convention, and of these delegates only forty have been instructed for Taft, while the balance are against him.

This statement is made in a letter written by Theodore Roosevelt to a Minnesota man today.

The letter declared Taft carried only Massachusetts and New Hampshire, while in the other seven states the majorities against him range from 2 to 1 to 20 to 1. Roosevelt asserts that if primaries could be held in all the states, Taft, by no possibility, could have 200 votes in the Chicago convention. Taft's chance of re-election, Roosevelt declares, "lies solely in securing a Chicago delegates who will misrepresent the will of the people."

"He can get these delegates," asserts Colonel Roosevelt, "not in the primary states, but in convention states where delegates are chosen under the old system, and even in these states he can only get them where the state is ruled by a boss."

Mr. Roosevelt says the bosses favor the president and he proceeds with a list of names of "bosses" in the various states.

Mr. Roosevelt asserts he is the only candidate whom it is possible to nominate against the bosses, and says it is evident he will defeat Mr. Taft; that it is "a fight of the plain people against the bosses."

NEW ORLEANS IS SAFE DECLARES M. B. TREZEVANT

At 2 o'clock this morning M. B. Trezevant, secretary of the New Orleans Progressive Union, telegraphed Secretary Leland J. Henderson, of this city, that New Orleans is absolutely in no danger. His wife in part was as follows: "New Orleans is absolutely unaffected. No levees within one hundred miles of the city have broken, and all stories that this city is under water are the wildest sort of irresponsible canards."

"The United States, the state and the city engineers agree that New Orleans will pass safely through the crisis and that the worst is now over."

JUDGE COULD GET OPTIONS ON PROPERTY

DAMAGING TESTIMONY IS GIVEN BY WITNESS AGAINST JUDGE ARCHBOLD OF THE COMMERCE COURT BEFORE A COMMITTEE MAKING INVESTIGATION.

By Associated Press.

Washington, May 10.—When the hearing of charges against Judge Robert Archbald, of the commerce court, was resumed here today, Edward J. Williams, with whom Archbald is said to have obtained from the Erie railroad an option on coal lands, was on the stand.

Williams was asked why Captain May of the Erie railroad, had first declined to give him an option, if the land was on the market, and why was it necessary for Williams to obtain a letter from Judge Archbald before Captain May would give the option.

"You know that Archbald was a federal judge at the time and had considerable railroad litigation in his court, didn't you?" asked Chairman Clayton. "And you knew that Captain May was a railroad and corporation man?"

Williams replied that he did and said he thought these circumstances would have an influence in getting the option from the Erie.

Williams admitted that he and Archbald decided not to sell the coal (coal waste) after they found the option.

(Continued on Page Seven.)

FAVORABLE REPORT ON CLAPP MEASURE

Bill Would Make Railroads and Other Common Carriers Liable on Bills of Lading Issued Whether Goods Were Received or Not.

By Associated Press.

Washington, May 10.—The interstate commerce commission today reported favorably to the senate the Clapp "bill of lading" measure, establishing a rule of evidence as to greater liability of railroads.

Senator Townsend gave notice that he would file a minority report while Senator Pomeroy announced he would present his substitute bill which is a code of laws on bills of lading.

Under the measure reported every railroad or other common carrier in the United States engaged in interstate or foreign commerce would be liable on bills of lading issued by the authorized agents, notwithstanding the agents had not received the goods.

UPRISING IN EASTERN MEXICO

They Are Becoming General in This Locality and Much Fighting Is Reported in Various Parts.

By Associated Press.

Washington, May 10.—Uprisings are becoming general in southern Tamaulipas, northern Vera Cruz, and the eastern part of San Luis Potosi, all in the eastern part of Mexico, according to state department reports today.

Fighting is reported at Xicotencatl, Tacanhuils, Gomez Farias, where a number are reported killed, and Ocampo. Other bands are reported operating at San Miguelito.

Although the official reports declare that only 2,000 are engaged in the battle at Tlahualilo, Durango, the battle is being hard fought. The rebels have renewed their activities at Tres Marias, Morelos.

CLARK AND WILSON HAVE CARRIED IOWA

By Associated Press.
Des Moines, Ia., May 10.—Earl Bronson, of Iowa, campaign manager for Woodrow Wilson, today issued a statement claiming 240 delegates to the Burlington convention on May 15, instructed for the New Jersey executive, and giving Champ Clark 270 instructed delegates. There will be 1,032 delegates to the state convention and all but two counties have had conventions. Both sides are claiming the instructed delegates.

"We were unable yesterday to instruct the Jasper county delegates for Wilson, but succeeded in voting down a motion to instruct for Bryan," said Mr. Bronson.

SENATE WILL SIFT CAMPAIGN FUNDS



Frank H. Hittcock and Thomas Taggart

Washington, May 10.—Is there a close and sinister relation between politics and big business? That there now is and long has been, is the charge that has been uttered repeatedly, not only on the floor of congress but throughout the length and breadth of the land. Now at last congress has determined to investigate the matter.

The investigation, which it is proposed to make quite sweeping, will be in the hands of a sub-committee of the senate committee on privileges and elections. Its chief business of the inquiry will be the discovery of the sources of revenue of the two great political parties in the campaigns of 1904 and 1908. Subpoenas will be served upon the following:

George B. Cortelyou, formerly secretary of the treasury, chairman of the national campaign committee of 1904.

Frank H. Hittcock, postmaster general, chairman of the national campaign committee in 1908.

E. T. Strobbery, head of the Morgan-Drexel company, Philadelphia, assistant treasurer of the national campaign committee in 1904.

George R. Sheldon, of New York, treasurer of the national campaign committee in 1908.

Fred W. Phelan, of Chicago, assistant treasurer of the national campaign committee of 1908.

William I. McKinley, chairman of the Republican congressional committee.

George W. Perkins, of New York, Democrats.

Thomas Taggart of Indiana, chairman of the national campaign committee in 1904.

Norman I. Mack, chairman of the national campaign committee in 1908.

George E. Peabody, of New York, treasurer of the national campaign committee in 1904.

Herman Hilder, of New York, treasurer of the national campaign committee in 1908.

James H. McInerney, chairman of the Democratic congressional committee in 1908.

A few other witnesses also will be required to appear. These men will be forced to inform the committee of the sources from which they received their money and the disbursements they made.

SONS TESTIFY IN BEHALF OF FATHER

Claude and Victor Allen Were Principal Witnesses Yesterday in Case of Floyd Allen, Their Father.

By Associated Press.
Wytheville, May 10.—Claude and Victor, sons of Floyd Allen, testified in defense of their father today. Claude admitted having shot in the court room and hid his saw Clark Gerd standing with a gun pointed at his father and thought he was going to shoot at his father, so he got it out his father fell and he started shooting at Gerd.

Victor asserted that his gun was taken by Claude as he was leaving the hotel at Hillsville. Claude verified his story.

HOUSE PASSES BG APPROPRIATION MEASURE

By Associated Press.
Washington, May 10.—The house today passed the legislative, executive and judicial appropriation bill carrying \$25,872,854, an increase of \$263,290 over the total carried in the measure when it was reported to the house.

The principal increase was the appropriation for the New Orleans, San Francisco and Caran, Nev., mines and for assay offices at Boise, Idaho; Charlotte, N. C.; Deadwood, S. D.; Helena, Mont.; Seattle and Salt Lake.

The house reversed its previous action by voting not to increase from \$1,500 to \$2,000 the salaries of the private secretaries to representatives.

The increase would have aggregated \$216,000 a year.

MILTON WITHDRAWS; GIBBONS A CANDIDATE

COAL BREAKER BACKGROUND OF ROITOUS BAND

FOREIGN MINERS AT SCRANTON FIGHT WITH STATE AND LOCAL POLICE AND RAILROAD GUARDS AND MANY SHOTS ARE FIRED.

By Associated Press.

Scranton, Pa., May 10.—The Cayuga coal breaker of the Delaware, Lackawanna & Western Company in north Scranton, formed the background of an ugly riotous band today. Foreign workers were leaders among the crowd of 3,000 men and boys that assembled near the breaker to keep away men who were going to the necessary work. The rioters broke through the police lines, reached the fire rooms and dragged out the workers, turning them over to three who beat them and threw them aside. State police on duty all night at the Leggett Creek mine, a mile away, hurried over and their coming rallied the local police and together the officers charged the mob. There were shots from the rioters. Bricks, stones and clubs were thrown and the officers, dropping their clubs, drew their guns and began to force the crowd back.

Some shots were fired by the police as Officers Marker and Davis fell, both with battered heads from cobble stones. The state troopers then rode into the crowd, firing their revolvers. Two rioters fell and then they ran. The rioters took refuge behind cars on the railroad near the breaker, but were finally dispersed when the railroad police came up on a special car and began to hand out guns to the local policemen.

COURSE OF PIECES STEEL PRODUCTS

They Are Outlined Before and After Formation of Steel Trust and Editor of a Trade Paper.

By Associated Press.

New York, May 10.—The course of price of steel products, before and after the formation of the United States Steel Corporation, was outlined today in the government's suit to dissolve the corporation, by A. L. Findley, editor of a trade paper.

The government contends that prices were organized in April, 1910, Findley showed that in December, 1909, wire nails sold at \$25.50 a ton; in January, 1910, at \$21.60 a ton; and in December, 1910, at \$44.50.

Steel rails, he showed, in November, 1909, were \$16.50 a ton; in September, 1910, \$26.00; in November, 1911, \$26, since which they had not varied.

The government contends that prices were permanently fixed at \$28 at the time the corporation was formed.

Findley said that prices sold at \$27.75 per cwt. in October, 1909, advanced to \$4.20 in May, 1912, and that similar advances were shown in other products.

On cross examination counsel for the defense brought out that during the last few years prices had declined and as a general rule were lower now than when the corporation was formed.

AWAITS REPORTS OF THE ALIENISTS

Governor Foss Cannot Determine Whether He Will Submit Richardson's Case to Executive Council.

By Associated Press.
Boston, May 10.—Until he has received reports of alienists, Governor Foss cannot determine whether he will submit to the executive council the case of Virgil Richardson, the former minister now condemned to death.

In the meanwhile Richardson remains in the Charles street jail. In the ordinary course of events he would have been transferred to a death cell in the state prison. The application for commutation, however, delayed his removal.

Richardson is sentenced to die during the week of May 19.

PROMINENT TAMPA WOMAN SUICIDES

Wife of a Manufacturer Ends Her Life While Kneeling by Side of Grave of Her Young Son.

By Associated Press.
Tampa, May 10.—Mrs. Maria Morrell, wife of a prominent Tampa manufacturer, today, after kneeling by the side of the grave of her baby son, poured wood alcohol over her body and set herself on fire. She died on the way to a hospital. It is believed that grief over the death of her baby preyed on her mind so she became mentally deranged.

COL. ROOSEVELT NOT SURPRISED

Commenting on Speech of Secretary at Los Angeles, He Says He Could Not Expect Any Other Attitude.

By Associated Press.
Oyster Bay, N. Y., May 10.—"I could not expect Senator Roosevelt's representative in the cabinet to take any other attitude."

This was the only comment Colonel Roosevelt had to make today upon the speech of Secretary Knox at Los Angeles last night.

Wires Chairman Price Demanding That His Name Be Placed on Ticket.

MILTON SAYS THE PEOPLE BY THEIR BIG VOTE FOR TRAMMELL HAVE EXPRESSED THEIR CHOICE, BUT GIBBONS DOES NOT TAKE IT THAT WAY AND SAYS HE WILL RUN AGAINST TRAMMELL FOR GOVERNOR.

Special to The Journal

Jacksonville, May 10.—There were two unexpected developments today in the gubernatorial situation as an aftermath of the meeting yesterday of the state executive committee. One was the withdrawal of W. H. Milton from the race in favor of Park Trammell. The other was the announcement of the choice which Mr. Trammell's withdrawal gave him the right to run against Trammell in the second primary and demanding that his name be placed on the ticket.

Mr. Milton, who was entitled to enter the second primary, declined to do so on the ground that the people by their support of Mr. Trammell and by the great vote given him had expressed their choice, and he thought it would be unfair to put Trammell to the great expense of entering the second primary under such conditions. He further says that Trammell, as well as he, represents the progressive faction of the party in Florida, and he does not care to split this faction.

As soon as Col. Gibbons heard of the action of Mr. Milton he immediately put forth his claim, as the next highest candidate, and he is now running with Trammell, and sent a wire to Chairman Price at Marianna, stating that under the law he is entitled to the place in the primary. Mr. Gibbons declines, and demanding that his name be placed on the ticket. In case the demand is refused he intimates that he will take the matter into the courts and thus secure what he terms his rights.

Gibbons says that he proposes not only to enter the race, but wage an active campaign.

MR. MILTON'S STATEMENT.

Mr. Milton this afternoon issued the following statement:

To the People of Florida:

I sincerely thank you for the cordial and hearty support that you gave me in the primary of April 30. You gave me the second highest vote for the office of governor of Florida, and under the law I could enter the second primary. But I have always supposed the primary system of nominations and worked for it for years before it was adopted. I am only opposed to the enormous cost entailed in its application.

However, after a hotly contested campaign against four opponents, Mr. Trammell has received forty-four per cent of the entire vote cast, and I feel that the people have thereby sufficiently expressed their preference. This being true, I do not feel that he should be put to the great additional expense of another primary in order to receive a technical majority. Therefore I will not further contest the nomination. The entire vote for all gubernatorial candidates amounted to \$1,000. Past election has shown that a majority of these were progressive Democrats, and of those progressive Democrats Mr. Trammell has received a majority.

A further contest between us would do but to exhaust the treasury of the state, which is not desirable from any standpoint, therefore as I made the race from a sense of duty and a desire to serve the state, I feel that I can from a similar high sense of duty, retire from the race and leave to the state and the people a united progressive Democracy.

W. H. MILTON.

KING INSPECTED HYDRO-AEROPLANES

Commander Samson Gave Brief Exhibition of the Capabilities of the Machine for Benefit of His Majesty.

By Associated Press.
Weymouth, Eng., May 10.—King George today inspected the hydro-aeroplane invented by Horace Short, on which Acting Commander Samson yesterday carried out a series of evolutions around the British fleet.

The facility with which the hydro-aeroplane was maneuvered was a revelation to every one not immediately attached to the naval flying corps.

The hydro-aeroplane has sufficient capacity to carry petrol for a six hours' flight, giving a radius of 300 miles.

Commander Samson this morning gave the king a brief exhibition of the capabilities of the machine, with which he soared, volplaned and dodged in and out among vessels of the fleet, finally skimming the surface of the sea until he came to a breakwater, over which he leaped.

Railroads say Order Means The Confiscation of Property

By Associated Press.
Washington, May 10.—On the ground of practical confiscation of property, an injunction restraining the interstate commerce commission from putting into effect on June 1 its order in the so-called Shreveport case was asked today by the commerce court.

The applications were docketed in two cases, one filed by the Houston and West Texas Railway and the Houston and Shreveport Railroad, and the other by the Texas & Pacific Railway.

In both applications it is alleged that the interstate commerce commission, in issuing its order requiring the railroads operating westwardly into

ROLLING STOCK FOR MEGARGEL ROAD ARRIVING

Large Number of New Flat Cars For Use on Road Reach the City.

WILL BE FOLLOWED BY OTHER EQUIPMENT AS FAST AS IT IS COMPLETED—CARS WILL BE USED IN ROAD CONSTRUCTION AND AFTERWARDS IN HANDLING FREIGHT TO PENSACOLA, PARTICULARLY NAVAL STORES

Rolling stock for the Megargel railroad began arriving in the city yesterday, when the first lot, a large number of flat cars, reached the city. These are brand new cars, built especially for the road, and will be followed soon by other flat cars, as well as other equipment as fast as it can be completed and sent south.

The new cars will be sent out on the road and used in the construction work, for which they are now needed. Afterwards they will be put in service handling freight to Pensacola, particularly naval stores, of which the road expects to handle a large amount.

The work on building the road is progressing very satisfactorily, but the heavy rains of the past several months has retarded progress to a great extent, as it has been practically impossible to make much headway in grading under such weather conditions.

MANY TESTIFY IN N ALLEN'S BEHALF

Several Witnesses Say Shot Which Killed Miss Elizabeth Ayres Came From Direction of Clerk of Court.

By Associated Press.
Wytheville, Va., May 10.—Testifying in behalf of Floyd Allen, one of the men charged with the murder of her sister-in-law, Mrs. David Ayres today at the trial of the shot which killed Miss Elizabeth Ayres.

came from behind where she was in the court room and from the direction where the clerk of the court, Dexter Good, was standing.

Good progress was made today in the trial of Allen for the murder of Wm. M. Foster, prosecutor for Carroll county, who was shot down in the Hillsville court house March 14. The defense continued to place witnesses on the stand to refute testimony given by the prosecution. David Ayres, a brother of Elizabeth Ayres, who was present in the Hillsville court as a witness for Floyd Allen, was shot down by a bullet during the affray, and told his version of the tragedy.

HAVANA TRAFFIC NOW PARALYZED

Workmen Who Resumed Work in Morning Struck Again at Noon and Negotiations for Settlement Suspended.

By Associated Press.
Havana, May 10.—Traffic in this port is completely paralyzed. Workmen who returned to work this morning after a strike, struck again at noon. Negotiations for another settlement have been suspended.

American steamship agents are conferring as to whether, in the event of the strike's continuance, all American vessels shall be withdrawn, except the Key West mail boat.

It is the general hope that such action would compel the Cuban government to take drastic action aiming at the strike's settlement.

FOLKE E. BRANDT IS BACK IN JAIL

Higher Court Reverses Decision and Former Valet of Mortimer Schiff Is in the Tombs.

By Associated Press.
New York, May 10.—Folke E. Brandt, former valet of Mortimer L. Schiff, who was released from Dannemora prison on a habeas corpus decision of Justice Gerard of the supreme court, is again in the Tombs and may be returned to prison to serve out the thirty years for which he was sentenced five years ago.

Late today the appellate division of the supreme court reversed the decision of Gerard liberating the prisoner. If this decision is appealed to the court of appeals Brandt probably will remain at liberty on bail.

Railroads say Order Means The Confiscation of Property

By Associated Press.
Washington, May 10.—On the ground of practical confiscation of property, an injunction restraining the interstate commerce commission from putting into effect on June 1 its order in the so-called Shreveport case was asked today by the commerce court.

The applications were docketed in two cases, one filed by the Houston and West Texas Railway and the Houston and Shreveport Railroad, and the other by the Texas & Pacific Railway.

In both applications it is alleged that the interstate commerce commission, in issuing its order requiring the railroads operating westwardly into

Texas from Shreveport, La., to charge the same rates as contemporaneously are in effect from Texas territory to Shreveport, is in violation of the constitution; and that the interstate commerce commission has no jurisdiction over rates entirely within one state.

The commission's order, issued by a majority of the body, required that the railroads should put into effect by June 1 rates on traffic westbound from Shreveport identical with the rates prescribed by the Texas railroad commission from Texas points to Shreveport. The railroads urge in their application for injunction that it would cost them \$500,000 a year to meet the requirements of the order and that would amount to confiscation.